

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

JANUARY 21, 2014

KENDALL-DEAN SCHOOL AUDITORIUM

6:45 P.M.

OPEN FORUM

Anchor Subaru Change of Zone

Mr. Brian Stark of 1 Chamberlain Court would like to hear more information but he is presently against the rezoning to Business Highway. He would like to keep the area residential.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Due to the snowstorm, Ms. Alves was stuck in Boston for the evening. Neither Town Administrator Hamilton nor Town Solicitor Lombardi was in attendance.

PUBLIC HEARING RE: PETITION TO REZONE PLAT 17 LOT 14 - BENOIT REALTY, LLC (ANCHOR SUBARU)

Despite there being a snowstorm, several interested persons chose to attend the meeting and thus abutters were allowed to speak.

Both Mr. Paul Soares and Mr. Lou Phaneuf of Sayles Hill Road spoke about a buffer zone, recommending that it be extended from its current thirty-five feet to sixty feet and that it be built up by a six- to eight-foot berm with trees atop it to alleviate the neighbors' view of

the lights.

Mr. Soares added that he has found a deer trail parallel to Sayles Hill Road and Route 146 and would like to see that full sixty-foot buffer to protect the deer.

Mr. Sean Kelly of 195 Sayles Hill Road is opposed to the zone change, noting that his house is directly across the street from their emergency exit. He fears it will destroy the quiet of the neighborhood.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on a roll call vote to continue the public hearing to January 27, 2014.

PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT SECTION 6-5 FENCES, WALLS AND HEDGES IN RESIDENTIAL DISTRICTS

Mr. Paul Soares felt the recommendation for a setback of twenty-five feet from the front lot line was ridiculous. Many houses currently have hedges or stone walls within that range and they would apparently be in violation of the zoning ordinance. Mr. Soares felt the ordinance should be repealed, not revised.

Mr. Brian Stark was also in disagreement with the ordinance wondering why a resident cannot do what he wants on his own property.

MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on a roll call vote to continue the public hearing and first reading to January 27, 2014.

PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT SECTION 5-7 GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

MOTION BY Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on a roll call vote to continue the public hearing and first reading to January 27, 2014.

PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT SECTION 5.5.3 LAND UNSUITABLE FOR DEVELOPMENT

MOTION by Mr. McGee, seconded by Mr. Yazbak, and voted 4 to 0 on a roll call vote to continue the public hearing and first reading to January 27, 2014.

PUBLIC HEARING ON PROPOSED CHARTER AMENDMENTS

MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on a roll call vote to continue the public hearing to January 27, 2014. (There was an individual who wished to speak about the charter amendments but he was fine with waiting until the 27th.)

CONSENT AGENDA

Mr. Yazbak requested the payment of bills be removed.

January 21, 2014

Mr. Zwolenski requested the minutes of December 16, 2013 be removed.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to accept the following: 1.) Council minutes of December 19, 2013; 2.) Budget Committee minutes for January 2, 2014; 3.) Public Facilities Advisory Task Force minutes for June 27, July 25, August 22, November 14 and December 10, 2013; 4.) Animal Control Monthly Report for December 2013; 5.) Animal Control Annual Report for 2013; 6.) NSF&RS Inc. Monthly Report for December 2013; 7.) NS Police Department Monthly Report for December 2013; and 8.) NS Municipal Court Monthly Report for December 2013.

Minutes of December 16, 2013

In the discussion regarding the Pomona Street drainage improvements, Mr. Zwolenski asked that it be added to the minutes that there was confirmation there were signed easements in place to allow discharge onto private property.

MOTION by Mr. Zwolenski, seconded by Mr. McGee and Mr. Yazbak, and voted unanimously on an aye vote to table approval of the minutes of December 16, 2013 to the meeting of January 27, 2014.

Payment of Bills

Mr. Yazbak recused from this discussion as he has a client on the vendor list.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote to approve payment of the following bills as presented by the Finance Director: General Fund - \$455,777.51; Sewer - \$7,020.85; Water - \$72,391.26; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$2,228,408.62

HOLIDAY SALES LICENSE - LOWE'S HOME CENTERS LLC D/B/A LOWE'S

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve a holiday sales license to Lowe's Home Centers LLC d/b/a Lowe's located at 19 Eddie Dowling Highway.

WIRELESS FACILITY ON COMSTOCK ROAD WATER TOWER

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to table this discussion until the Administrator is available at a meeting.

SLATERSVILLE BRIDGE RECONSTRUCTION

MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on an aye vote to table this discussion until members of the town administration are available to update the Council.

LIST OF OUTSTANDING CAPITAL ITEMS

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue this to January 27, 2014.

BUILDING ASSESSMENT STUDY BY ROBINSON GREEN BERETTA CORP. - HALLIWELL SCHOOL

Mr. Flaherty explained there is an unanticipated cost associated with the Halliwell school solution, including the development of modular classrooms to accommodate Grade 4 or adding several classrooms onto NSES.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on a roll call vote to approve the RGB proposal in the amount of \$7,420.00 with funding to come from the infrastructure contingency.

APPOINTMENTS TO BOARDS AND COMMISSIONS

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to table all the appointments to a future date.

CREDIT APPLICATION TO P. J. KEATING CO.

MOTION by Mr. Zwolenski, seconded by Mr. McGee and Mr. Yazbak, and voted 4 to 0 on an aye vote to continue this to January 27, 2014.

AWARD OF BID FOR GRAHAM DRIVE WATER PUMP

MOTION by Mr. Zwolenski, seconded by Mr. McGee and Mr. Yazbak, and voted 4 to 0 on an aye vote to continue this to January 27, 2014.

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RESIGNATION OF JUVENILE HEARING BOARD CO-ORDINATOR - M. SILVA

MOTION by Mr. Zwolenski, seconded by Mr. McGee and Mr. Yazbak, and voted 4 to 0 on an aye vote to continue this to January 27, 2014.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to continue this to January 27, 2014.

KACZOROWSKI VS THE TOWN OF NORTH SMITHFIELD

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to continue this to January 27, 2014.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to adjourn at 7:40 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk